S.B.CRIMINAL REVISION PETITION NO.978/2007
(Mangi Lal Vs. Sanjay Kumar & Ors.)

Date of order : 9.10.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. B.P. Bohra, for the petitioner.
Mr. Vishnu Kachchwaha, PP.

Heard learned counsel for the petitioner.

In this case, the learned trial Court has rejected the application moved by the complainant under Section 319 Cr.P.C. on the ground that in most of the statement of prosecution witnesses even the presence of Ver Singh, Kalyan Singh, Gulab Singh, Madan Das, Maga Ram Sant and Joga Ram is not mentioned, therefore, there is no question of taking cognizance against them.

Learned counsel for the petitioner contended that in the statement of PW-4 Fenci Devi, there are allegations against the aforesaid persons for abduction.

In the cross-examination before the Court, specific question was put to the witnesses whether names of Ver Singh, Kalyan Singh, Gulab Singh, Madan Das, Maga Ram Sant and Joga Ram were given in the statement recorded under Section 161 Cr.P.C. to the

Police or not because their names are not appearing in the statement recorded under Section 161 Cr.P.C. Likewise, there is no corroboration of statement of PW-4 Fenci Devi by other independent witnesses. Thus it is clear that there is complete improvement which is not corroborated by any independent evidence. Therefore, I see no reason to interfere with the order impugned rejecting the application filed by the complainant under Section 319 Cr.P.C.

Hence, this revision petition is dismissed.

(GOPAL KRISHAN VYAS), J .

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